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REMARKS

This reply is in response to the Office Action mailed on January 23, 2006 in which claims 1, 3-25 and 38-56 were rejected. Claim 21 is canceled. Claims 1, 3-20, 22-25 and 38-56, as amended, overcome the rejections and are presented for reconsideration and allowance.

I.   Examiner Interview Summary

On April 19, 2006, a telephonic interview was held between Examiners Farooq and Fleming, and Applicant's attorney, Todd A. Rathe. The rejection of Claims 1, 15, 38, 42, 47 and 51 based upon Criscito US patent 5,854,945 was discussed. It was agreed upon that with respect to claims 38, 42, 47 and 51, those portions of Criscito cited in the Office Action do not appear to meet the claim limitations. However, the examiners indicated that such claims would need to be revisited in light of discussions in Criscito pertaining to figure 6. With respect to the rejection of claims 1 and 15, the examiners indicated that connectors 65A and 65B of Criscito were construed as a first port and a second port, respectively.

Although no specific agreement was reached as to the allowability of the claims as of yet, Applicant wishes to thank Examiners Farooq and Fleming for the opportunity to discuss the rejections.

II.   Rejection of Claims 1, 3-7, 9, 10, 12, 15, 17, 18-21, 23, 38, 39 and 40-56 under 35 USC 102 (b) based on Criscito

Paragraph 1 of the Office Action rejected Claims 1, 3-7, 9, 10, 12, 15, 17, 18-21, 23, 38, 39 and 40-56 under 35 USC 102 (b) as being anticipated by Criscito et al. US Patent No. 5,854,945. Claims1, 3-7, 9, 10, 12, 15, 17, 18-21, 23, 38, 39 and 40-56, as amended, overcome the rejection based upon Criscito.

A.   Claim 1

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Claims 1, as amended, recites apparatus for transferring commands. The apparatus includes a scanner having a first port configured to receive user entered keyboard commands directly from a keyboard, wherein the scanner is configure to perform a scanner function based on the keyboard commands received directly from the keyboard. Support for the amendment to Claim 1 reciting that the keyboard commands are user entered may be found on page 11, lines 13-15 of the present application which recites "it is desirable to enter commands directly to the scanner using the keyboard". Thus, no new matter is believed to be added.

Criscito fails to disclose or suggest a scanner configured to receive user entered keyboard commands directly from a keyboard, wherein the scanner is configured perform a scanner function based on the keyboard commands. In contrast, as discussed during the Examiner interview held on April 19, 2006, Criscito merely discloses a scanner which detects the presence of a keyboard. The scanner of Criscito does not perform functions based upon user entered keyboard commands. In other words, Criscito does not teach a person entering commands via the keyboard which are transmitted to the scanner. Accordingly, Claim 1, as amended, overcomes rejection based upon Criscito. Claims 3-7, 9, 10 and 12 depend from Claim 1 and overcome the rejection to the same reasons.

B.   Claim 15

Claim 15 is amended to incorporate the limitations of former dependent claim 21. Claim 15 is further amended to recite that the keyboard commands are "user entered". Thus, Claim 15, as amended, includes the steps of receiving user entered keyboard commands from a keyboard and/scanner interface and forwarding the keyboard commands to a processor of the scanner. Once again, support for the amendment to claim 15 reciting that the keyboard commands are user entered may be found on page 11, lines 13-15 of the present application. Thus, no new matter is believed to be added.

Criscito fails to disclose user entered keyboard commands which are received by a keyboard/scanner interface and which are forwarded to a processor of the scanner. In contrast,

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Criscito merely discloses a scanner that detects the presence of the keyboard. Nowhere does Criscito appear to disclose a user entering commands via a keyboard which are transmitted to a processor of the scanner. Accordingly, Claim 15, as amended come overcomes rejection based upon Criscito. Claims 17, 18-20 and 23 depend from Claim 15 and overcome the rejection based upon Criscito for the same reasons.

C.   Claims 38 and 42

Claim 38 recites a system having a scanner configure to receive keyboard commands from a keyboard and to perform a function based on the keyboard commands even if the computer is powered off. Similarly, Claim 42 recites a method which includes performing a function by the scanner based on keyboard commands from the keyboard even if the computer is powered off.

Criscito fails to disclose a system or a method wherein the scanner performs functions based upon keyboard commands even at the computer is powered off. As noted during the Examiner interview held on April 19, 2006, Criscito appears to specifically disclose that the computer must be power on for the scanner to receive power and therefore perform functions. (See Criscito, column 7, lines 21-22). Accordingly, the rejection of Claims 38 and 42 based upon Criscito should be withdrawn. Claims 39 and 40-41 and Claims 43-46 depend from Claims 38 and 42, respectively, and are patentably distinct over Criscito for the same reasons.

D.   Claims 47 and 51

Claim 47 recite a system wherein a computer receives keyboard commands from a keyboard via a scanner even if the scanner is powered off. Similarly, Claim 51 reciting method which includes transmitting keyboard commands to a computer via a scanner even if the scanner is powered off.

Criscito fails to disclose or suggest a system or a method in which keyboard commands are transmitted to a computer via a scanner even if the scanner is powered off. As noted during the Examiner interview held on April 19, 2006, Criscito appears to require that the scanner be

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powered on for keyboard commands to be transmitted to the computer via the scanner. (See Criscito, column 1, line 65-column 2, line 1 and column 1, lines 60-62). Accordingly, the rejection of Claims 47 and 51 should be withdrawn. Claims 48-50 and 52-56 depend from Claims 47 and 51, respectively, and are patentably distinct over Criscito for the same reasons.

III. Rejection of Claims 8 and 16 under 35 USC 103(a) Based upon Criscito and Raasch

Paragraph 32 of the Office Action rejected Claims 8 and 16 under 35 USC 103(a) as being unpatentable over Criscito et al. US Patent 5,854,945 in view of Raasch et al. US Patent 5,280,283. Claims 8 and 16 depend from Claims 1 and 15, respectively and overcome the rejection of the same reasons discussed above with respect to Claims 1 and 15, respectively. Raasch fails to satisfy the deficiencies of Criscito.

IV. Rejection of Claims 11, 13, 14, 22, 24 and 25 under 35 USC 103(a) Based upon Criscito, Raasch and Davis

Paragraph 35 of the Office Action rejected Claims 11, 13, 14, 22, 24 and 25 under 35 USC 103(a) is being unpatentable over Criscito et al. US patent 5,854,945 in view of Raasch et al US patent 5,280,283 and further in view of Davis et al. US patent 6,167,462. Claims 11, 13 and 14 and Claims 22, 24 and 25 depend from Claims 1 and 15, respectively and overcome the rejection the same reasons discussed above with respect to Claims 1 and 15. Claims 11, 13, 14, 22, 24 and 25 overcome the rejection for the additional reasons which follow.

Claims 11, 13 and 14 and Claims 22, 24 and 25 recite (1) that the keyboard commands correspond to an e-mail address, (2) the use of the network interface module connecting the scanner to an external network and (3) electronic e-mailing a document scanned by the scanner over the external network, respectively.

Neither Criscito, Raasch nor Davis, alone or in combination, disclose any of the limitations of Claims 11, 13, 14, 22, 24 or 25. The Office Action acknowledges that neither

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Criscito nor Raasch disclose any of these features. As a result, the Office Action attempts to additionally rely upon Davis by asserting that it would be obvious to modify the combination of Criscito and Raasch based upon Davis "because that would provide the user of the system to utilize the remote scanner located on server computer system or remote scanner located on computer system". However, no teaching her suggestion exists in any of the cited references for entering an e-mail address or connecting the scanner to an external network and electronic e-mailing a scanned document over the external network with user entered commands on a keyboard which are directly transmitted to a scanner through a port of the scanner. At most, the hypothetical combination would merely result in skin documents being e-mailed based upon user entered commands on the scanner itself of Criscito. Once again, Criscito says nothing about using user entered commands on a keyboard for controlling operations of its scanner. Thus, the rejection of Claims 11, 13, 14, 22, 24 and 25 should be withdrawn for these additional reasons.

V.   Conclusion

After amending the claims as set forth above, claims 1, 3-20, 22-25 and 38-56 are now pending in this application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers

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submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

Date _____ April 20, 2006 _____   By _____ Todd A. Rathe _____

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